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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,218

07/25/2006

Hartmut Schurg

51468

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09/05/2008

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

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WASHINGTON,, DC 20036

EXAMINER

GARRETT, ERIKA P

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

09/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,218

Applicant(s)

SCHURG ET AL.

Examiner

ERIKA GARRETT

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The amendment filed 2/19/08 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "main opening being open and exposed when said tray table is in the stored position" is not disclosed in the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 9-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "main opening being open and exposed when said tray table is in the stored position", is considered new matter.

Drawings

4. Figure 1 should be designated by a legend such as --Prior Art-- (not state of the art) because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "main opening being open and exposed when said tray table is in the stored position", seat part having a forward edge and rear edge, tray table comprising a face, backrest supporting face, wall piece and figures 2-4 does not show tray table coupled to the support structure; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. Note: the applicant is reminded that the claimed subject matter should be shown on figures 2-4 of the applicant invention.

7. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "seat part and tray table coupled to the support structure" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 9-12, 14, 17-19 and 21-22 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Muller (4,726,621). Muller discloses the use of an aircraft passenger seat (figure 1), comprising a seat part; a backrest (1) extending from said seat part and having a support structure and backrest cushioning bearing on said support structure; a tray table (4) coupled to said support structure and foldable between a stored position (figures 2-3) on a back of said support structure and a use

position (figures 1 and 4-5) away from said back of said support structure; and a pocket receptacle (see attachment below) on said back of said support structure for holding utensils, printed materials and travel accessories, said receptacle being a cavity extending in said support structure at least partially between said tray table in the stored position and said backrest cushioning and having a main opening (2) for introducing objects into said cavity, said main opening being open and exposed when said tray table is in the stored position, see figure 2.

10. In regards to claim 10, wherein said cavity extends from an area adjacent a top edge of said support structure to a structure element forming a bottom of said receptacle and located within a surface area of said tray table in the stored position.

11. In regards to claim 11, the main opening is adjacent said top edge of said support structure and opens in a back direction (when the user opens the structure element by way of using a hand or object) away from said backrest cushioning.

12. In regards to claim 12, a plate (4') extends between two side edges of said support structure above said structure element, and forms a rear wall of said receptacle.

13. In regards to claim 14, plate supports a latch (3) for fixing said tray table in the stored position.

14. In regards to claim 17, tray table (4) comprises a face facing said cavity in the stored position; and said main opening allows removal of items stored in said cavity in a direction parallel to said face in the stored position of said tray table, see figure 2.

15. In regards to claim 18, backrest (1) comprises a backrest supporting face for supporting a user's back; said backrest has at least an upright position in which said

backrest has a main direction oriented vertically; said support structure comprises a wall piece spaced from a rear wall (4') of said support structure bearing said backrest cushioning to form a gap extending perpendicular to said backrest supporting face and forming said cavity; and said tray table has an upper edge below an upper edge of said wall piece in a direction parallel to the main direction in the stored position.

16. In regards to claim 19, a latch (3) for fixing said tray table in the stored position is mounted on a rear side of said wall piece, see figure 2.

17. In regards to claim 20, backrest has at least an upright position in which said backrest has a main direction oriented vertically; and a latch (3) for fixing said tray table (4) in the stored position is mounted below said main opening in a direction parallel to said main direction.

18. In regards to claim 21, wherein said upper edge of said wall piece defines said main opening; and a latch (3) for fixing said tray table in the stored position is mounted below said upper edge of said wall piece.

19. Claims 9-12, 14-16 and 22-26 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Fischer (6,994,401). In regards to claim 9, Muller discloses the use of an aircraft passenger seat (10), comprising a seat part; a backrest (12,32) extending from said seat part and having a support structure and backrest cushioning bearing on said support structure; a tray table (36) coupled to said support structure and foldable between a stored position on a back of said support structure and a use position (figures 6-7) away from said back of said support structure; and a pocket receptacle (see attachment below) on said back of said support structure for holding

utensils, printed materials and travel accessories, said receptacle being a cavity extending in said support structure at least partially between said tray table in the stored position and said backrest cushioning and having a main opening (38) for introducing objects into said cavity, said main opening being open and exposed when said tray table is in the stored position, see figure 7.

20. In regards to claim 10, wherein said cavity extends from an area adjacent a top edge of said support structure to a structure element forming a bottom of said receptacle and located within a surface area of said tray table in the stored position.

21. In regards to claim 11, the main opening is adjacent said top edge of said support structure and opens in a back direction (when the user opens the structure element by way of using a hand or object) away from said backrest cushioning.

22. In regards to claim 12, a plate (4') extends between two side edges of said support structure above said structure element, and forms a rear wall of said receptacle.

23. In regards to claim 14, plate supports a latch (3) for fixing said tray table in the stored position.

24. In regards to claim 17, tray table (4) comprises a face facing said cavity in the stored position; and said main opening allows removal of items stored in said cavity in a direction parallel to said face in the stored position of said tray table, see figure 2.

25. In regards to claim 22, Fischer discloses the use of passenger seat (10) comprising a seat part (figure 8)' having a forward edge and a rear edge; a backrest (12) extending from said seat part adjacent said rear edge and having a front surface facing said seat part and a rear surface remote from and facing oppositely from said

front surface; a support structure (11) on said rear surface defining a cavity on said rear surface and having laterally spaced side portions; a plate (32) extending between said side portions and spaced from said rear surface defining a receptacle therebetween, said plate having a top edge defining a main opening (38) for inserting items (figure 7) into and retrieving items from said receptacle and having a bottom edge spaced from said top edge; a structure element (the bottom portion of 40) extending between said side portions spaced from said top edge, adjacent said bottom edge and forming a bottom of said receptacle; and a tray table (36) mounted on said rear surface for movement between a stored position overlying said plate and a use position spaced from said backrest, said tray table having an upper edge in said stored position located below said top edge of said plate maintaining said main opening unobstructed in the stored position of said tray table.

26. In regards to claim 23, a latch (42) for securing said tray table in the stored position is mounted on said plate between said top edge and said bottom edge.

27. In regards to claim 24, wherein said latch is adjacent said top edge.

28. In regards to claim 25, tray table is pivotally coupled to said support structure, see figure 7.

29. In regards to claim 26, wherein said plate has a bottom opening adjacent said bottom edge.

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claim 13 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of Dixon (5,507,556). Muller fails to show the use of the support structure receives a display screen integrated therein.

32. Dixon teaches the use of a support structure receives a display screen (20).

33. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the support structure with a display screen as taught by Dixon, in order to provide information and entertainment for the occupant.

34. Claims 15-16 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of Fischer (6,994,401). Muller fails to show the use of an elongated bottom opening extends between said structure element and said plate; a lip on an edge thereof bordering said bottom opening and projecting into an inside width of said bottom opening.

35. Fischer teaches the use of an elongated bottom (see attachment) opening extends between said structure element and said plate; a lip (see figure 7 at bottom) on an edge thereof bordering said bottom opening and projecting into an inside width of said bottom opening.

36. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the passenger seat with an elongated bottom and lip as taught by, Fischer in order to store the tray able.

Response to Arguments

37. Applicant's arguments with respect to claims 9-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

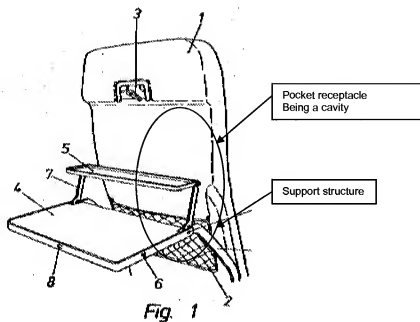
Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIKA GARRETT whose telephone number is (571)272-6859. The examiner can normally be reached on Monday-Thursday 9:30 a.m.-6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. G./
Examiner, Art Unit 3636
August 31, 2008

/DAVID DUNN/
Supervisory Patent Examiner, Art Unit 3636



U.S. Patent

Feb. 7, 2006

Sheet 3 of 4

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